

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (SPRINGFIELD)**

**CASE NO. 03-30273-MAP
Hon. Michael A. Ponsor**

DIRECTV, INC.)
Plaintiff)
)
vs.)
)
ALDO MANCINI, JR.)
Defendant)

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
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ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES

Defendant, ALDO MANCINI, JR., by and through his attorney, ALDO MANCINI, JR., hereby responds to Plaintiff's complaint with the answers as follows:

1. Answering, Paragraph 1, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.
2. Answering, Paragraph 2, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

3. Answering, Paragraph 3, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

4. Answering, Paragraph 4, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

5. Answering, Paragraph 5, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

6. Answering, Paragraph 6, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

7. Answering, Paragraph 7, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

8. Answering, Paragraph 8, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

9. Answering, Paragraph 9, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

10. Answering, Paragraph 10, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

11. Answering, Paragraph 11, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

12. Answering, Paragraph 12, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

13. Answering, Paragraph 13, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

14. Answering, Paragraph 14, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

15. Answering, Paragraph 15, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

16. Answering, Paragraph 16, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

17. Answering, Paragraph 17, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

18. Answering Paragraph 18, Defendant admits that he resides in Feeding Hills, Massachusetts and denies the remaining allegations contained therein for the reasons that said allegations are untrue.

19. Answering Paragraph 19, Defendant admits that he resides in Feeding Hills, Massachusetts and denies the remaining allegations contained therein for the reasons that said allegations are untrue.

19(a). Answering Paragraph 19(a), Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

20. Answering Paragraph 20, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

21. Answering, Paragraph 21, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

22. Answering, Paragraph 22, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

23. Answering, Paragraph 23, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

24. Answering Paragraph 24, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

25. Answering Paragraph 25, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

26. Answering Paragraph 26, Defendant neither admits nor denies the allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

COUNT I

27. Answering, Paragraph 27, Defendant incorporates by reference his answers to paragraphs 1 – 26 above as if fully set forth here.

28. Answering, Paragraph 28, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

29. Answering, Paragraph 29, Defendant denies that he committed at any time the so-called “violations” referenced in Paragraph 29 because those allegations are untrue and further neither admits nor denies the remaining allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

30. Answering, Paragraph 30, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

COUNT II

31. Answering, Paragraph 31, Defendant incorporates by reference his answers to Paragraphs 1 – 30 above as if fully set forth here.

32. Answering, Paragraph 32, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

33. Answering, Paragraph 33, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

34. Answering, Paragraph 34, Defendant denies that he committed at any time the so-called “violations” referenced in Paragraph 34 because those allegations are untrue and further neither admits nor denies the remaining allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

35. Answering, Paragraph 35, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

COUNT III

36. Answering, Paragraph 36, Defendant incorporates by reference his answers to paragraphs 1 – 35 above as if fully set forth here.

37. Answering, Paragraph 37, denies the allegations contained therein for the reasons that said allegations are untrue.

38. Answering, Paragraph 38, Defendant denies that he committed at any time the so-called “violations” referenced in Paragraph 38 because those allegations are untrue and further denies the remaining allegations contained therein for the reasons that said allegations are untrue.

39. Answering, Paragraph 39, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

40. Answering, Paragraph 40, denies the allegations contained therein for the reasons that said allegations are untrue.

41. Answering, Paragraph 41, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

42. Answering, Paragraph 42, Defendant denies that he committed at any time the so-called “violations” referenced in Paragraph 42 because those allegations are untrue and further neither admits nor denies the remaining allegations contained therein for lack of sufficient knowledge or information and leaves Plaintiff to its proofs.

COUNT IV

43. Answering, Paragraph 43, Defendant incorporates by reference his answers to paragraphs 1 – 42 above as if fully set forth here.

44. Answering, Paragraph 44, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

45. Answering, Paragraph 45, Defendant denies that he committed at any time the so-called “violations” referenced in Paragraph 45 because those allegations are untrue and further denies the allegations contained therein for the reasons that said allegations are untrue.

46. Answering, Paragraph 46, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

47. Answering, Paragraph 47, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

48. Answering, Paragraph 48, Defendant denies the allegations contained therein for the reasons that said allegations are untrue.

WHEREFORE, the Defendant prays that the Plaintiff's complaint be dismissed with prejudice and that the Defendant be awarded his costs of suit, including, but not limited to, his attorney's fees together with such further relief that the Honorable Court deems equitable and just.

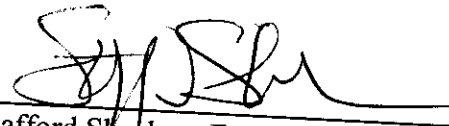
NOTICE OF AFFIRMATIVE DEFENSES

1. Plaintiff's claims are barred by doctrine of accord and satisfaction.
2. Plaintiff's claims are barred by because of a prior arbitration and award.
3. Plaintiff's claims are barred by the doctrine of assumption of risk.
4. Plaintiff's claims are barred due to its contributory negligence.
5. Plaintiff's claims are barred by the doctrine of duress.
6. Plaintiff's claims are barred by the doctrine of estoppel.
7. Plaintiff's claims are barred due to a failure of consideration.
8. Plaintiff's claims are barred due to its own fraud.
9. Plaintiff's claims are barred due to the illegality of the claimed actions or methods involved in its complaint.
10. Plaintiff's claim is void and/or voidable.
11. Plaintiff's claim is barred by the Statute of Frauds.
12. Plaintiff's claim is barred by the statute of limitations.
13. Plaintiff's claim is unenforceable since there was never a legal relationship or contract between the parties.
14. Plaintiff's Complaint is barred for lack of jurisdiction.
15. Plaintiff's Complaint is barred since venue is improper.
16. Plaintiff's Complaint is barred for lack of appropriate service of process.

17. Plaintiffs' Complaint is barred as unconscionable.
18. Plaintiffs' Complaint is barred by its prior license to Defendant.
19. Plaintiff's Complaint fails to state a legally recognizable cause of action.
20. Defendant hereby reserves the right to add, supplement, modify, change or amend any and all of its Affirmative Defenses as the facts and circumstances become known through further discovery and/or investigation.

By Defendant's Attorney,

February 27, 2004



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